

Panetta Proposes New Sexual Assault Rules for the Military

By [JAMES DAO](#)

Shawn Thew/European Pressphoto Agency Defense Secretary Leon E. Panetta, left, with the chairman of the Joint Chiefs of Staff, Gen. Martin E. Dempsey, announced the Pentagon's new initiatives to combat sexual assault in the military on Monday. "Sexual assault has no place in the military," Mr. Panetta said. "It is a violation of everything that the U.S. military stands for."

Under pressure from Congress and veterans advocates, Secretary of Defense Leon Panetta on Monday announced [new policies](#) to combat sexual assault in the ranks. Most significantly, the secretary will require that all sexual assault complaints be handled by more senior officers — colonels or Navy captains — than the unit commanders who typically handle them now, a move expected to lead to more prosecutions.

Mr. Panetta, in a [news briefing](#) with Gen. Martin E. Dempsey, the chairman of the Joint Chiefs of Staff, also said that the Pentagon would create specially trained units within each of the services to gather evidence and interview complainants. He also called for allowing National Guard and reserve troops who file complaints to remain on active duty while their cases are investigated, to make sure their cases are not dropped.

He said the military would require that all new recruits be briefed on sexual assault policies within 14 days of entering the service. And he called for requiring that records on the disposition of all sexual assault cases be maintained, to improve tracking of the problem, and that commanders conduct annual assessments of whether their units were adhering to policies.

"The most important thing we can do is prosecute the offenders, deal with those that have broken the law and committed this crime," Mr. Panetta said. "And if we can do that then we can begin to deal with this issue — not only prosecute those that are involved, but more importantly send a signal that this is not a problem that we are going to ignore in the United States military."

Mr. Panetta said he could implement the central provision of the plan — requiring that cases be handled at the special court-martial level — through executive order. But other parts would require Congressional action, he said.

Advocates and lawmakers applauded the new plan, even as they pledged to fight for additional measures.

"This announcement represents the biggest step that D.O.D. has taken thus far to combat military sexual assault," Anu Bhagwati, a former Marine Corps captain who is executive director of the [Service Women's Action Network, or S.W.A.N.](#), an advocacy group, said in a statement. She said that although the group has advocated having general officers oversee sexual assault cases, elevating the disposition of cases to the level of colonel or Navy captain was still "a huge step in the right direction."

“We hope it will have the intended effect of ensuring sexual assault cases are handled by more experienced officers who are better equipped to properly determine the disposition of these difficult, complex criminal cases,” Ms. Bhagwati said.

S.W.A.N., other groups and some members of Congress have complained that allowing unit commanders to handle sexual assault complaints resulted in a paucity of prosecutions. Too often, they contend, the commanders are close to the accused perpetrators, or are too busy to focus on the complaints, or are skittish about thoroughly investigating potentially criminal behavior that could tarnish their units. Mr. Panetta acknowledged as much in his news conference, saying, “The key here is that at the local-unit level sometimes these matters are put aside, they’re not followed up with.”

The most recent Defense Department report on sexual assault in the ranks found that the number of complaints in 2011 was up slightly, 1 percent, from the year before, to 3,192, from 3,158. But the number of cases considered “actionable,” that is eligible for prosecution within the military justice system, fell to 47 percent, from 60 percent in 2010. For those service members who were convicted of sexual assault charges in 2011, the percentages of those punished through confinement, rank reduction, fines or punitive discharge or dismissal were all up from the previous year.

The Defense Department has said that sexual assault in the ranks is vastly underreported, and that the actual number of assaults might be above 19,000 a year.

But S.W.A.N. has asserted that too many service members convicted of sexual assault are still allowed to remain in service, or are allowed to resign in lieu of a courts-martial. The group argues that every conviction should lead to a punitive dismissal and that the policy of allowing resignations to avoid a court-martial should be ended.

In a telephone conference with reporters on Tuesday, Representative Niki Tsongas, a Democrat from Massachusetts, and Representative Michael Turner, Republican of Ohio, praised Mr. Panetta’s plan, but said the Pentagon could do more to educate service members about new protections for sexual assault victims enacted by Congress last year. Those include access to legal counsel and the right to transfer to new installations.

“We put a lot more tools in the toolbox that should lead to more successful prosecutions,” Ms. Tsongas said. “What becomes important is that these tools become known to accusers, people who may be victims who may not be aware of their new rights.”